IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 646 OF 2006
IN
NOTICE OF MOTION NO. 1429 OF 2005
IN
WRIT PETITION NO. 1337 OF 2005

M/s. Ishwar Bhuvan Refreshments Annexe] .. Appellants
(Ori.Plaintiffs)

Versus

1. M/s. Rajdhani & 2 ors.] .. Respondents
(Ori.Defendants)

Mr. V.R. Dhond with Mr. Manish Saurastri and Mr. Utkarsh Tewari i/b Shantilal & Co. for the appellants.

Mr. Niranjan Laposia i/b M/s. Niranjan & Co. for the respondents No.1-3.

CORAM: R.M. LODHA &
S.R. SATHE, JJ.

DATED: 01ST SEPTEMBER, 2006

P.C. :

. Heard.

2. Admit.

3. The counsel for respondents waives service for respondents.

4. The Appeal is heard finally at this stage. In the light of the consensus that emerged during the

course of hearing, we dispose of the Appeal by the following order.

(i) The impugned order dated 3rd August, 2006 is quashed and set aside.

(ii) Notice of Motion No.1429 of 2005 is restored to the file of the Motion Judge for fresh hearing and disposal.

(iii) All contentions of the parties in support as well as opposition to the Notice of Motion are kept open to be agitated before the Motion Judge.

(iv) The ad-interim order dated 6th May, 2005 shall remain operative until the disposal of the Notice of Motion.

. No costs.

Sd/-
[R.M. LODHA, J.]

Sd/-

[S.R. SATHE, J.]